

## Criminal Charges

[ [HYPERLINK "https://www.justice.gov/usao-sdca/pr/san-marcos-companies-and-executives-charged-tampering-emission-control-devices-diesel"](https://www.justice.gov/usao-sdca/pr/san-marcos-companies-and-executives-charged-tampering-emission-control-devices-diesel) ]: On April 11, 2019, the Department of Justice announced a six-count indictment against three companies, two managers, and an employee (“Diamond”). The indictment was brought in the Southern District of California. Respondents were charged with conspiracy to manipulate the ECM’s on its fleet of heavy-duty diesel trucks. DOJ also alleges respondents falsified smog tests. The charges include: one count of conspiracy to tamper with monitoring devices under 18 USC § 371, three counts of tampering with a monitoring device under 42 USC § 7413, and one count of evidence tampering under 18 USC § 1512(c)(1).

[ [HYPERLINK "https://www.justice.gov/usao-co/pr/golden-company-sentenced-violating-clean-air-act"](https://www.justice.gov/usao-co/pr/golden-company-sentenced-violating-clean-air-act) \t "\_blank" ]: OE Construction Company pled guilty to being an accessory after the fact to violating the Clean Air Act on March 27, 2018. An employee at OE worked with a Canadian company called J-Ball Electronics to falsify the monitoring devices (on-board diagnostic systems "OBD") required by the Clean Air Act on at least six OE Construction-owned vehicles. The OE Construction employee purchased kits from J-Ball that allowed him to alter the vehicles’ emission control systems. The effect of these modifications was to dramatically increase the release of dangerous pollutants from these vehicles, including particulate matter, NOx, and hydrocarbons.

[ [HYPERLINK "https://www.justice.gov/usao-mdpa/pr/five-pennsylvania-men-charged-conspiring-defraud-united-states-and-violate-clean-air"](https://www.justice.gov/usao-mdpa/pr/five-pennsylvania-men-charged-conspiring-defraud-united-states-and-violate-clean-air) ]: On May 25, 2018, five men with various relationships to a hauling service for the fracking industry in Pennsylvania (Rockwater) were charged with conspiring to violate the CAA. The men conspired to modify the emissions systems on approximately thirty Rockwater heavy-duty diesel trucks by using “defeat devices.” The purchase of the defeat devices was concealed in Rockwater’s books and records by mislabeling them as exhaust systems. The conspirators also are accused of taking the modified commercial motor vehicles to state approved inspection stations, including Sweitzer’s Garage, to pass federally regulated commercial motor vehicle inspections falsely.

## Consent Decrees

[ [HYPERLINK "https://www.epa.gov/enforcement/caspers-electronics-inc-clean-air-act"](https://www.epa.gov/enforcement/caspers-electronics-inc-clean-air-act) \t "\_blank" ]: The EPA alleged that Caspers sold more than 44,000 products, called oxygen sensor simulators, that sent false signals to the motor vehicle’s onboard diagnostic system in order to prevent the malfunction indicator light (or “check engine” light) from illuminating when the catalytic converter malfunctioned, was damaged, or was missing. The EPA’s analysis supported the conclusion that these devices caused the emission of an estimated 6,000 tons of nitrogen oxides (NOx), 7,400 tons of hydrocarbons, and 347,000 tons of carbon monoxide above EPA standards. The civil penalty amount was \$74,383.

[ [HYPERLINK "https://www.epa.gov/enforcement/derive-systems-clean-air-act-settlement"](https://www.epa.gov/enforcement/derive-systems-clean-air-act-settlement) ]: On September 24, 2018, the EPA and DOJ announced a settlement with Derive Systems (“Derive”) addressing the sale of approximately 363,000 aftermarket products, which the United States alleges were designed, in part, to defeat the emissions control systems of cars and trucks in violation of the Clean Air Act. The Consent Decree provides a path for compliance to allow the continued sale, purchase and use of some of Derive’s products. The Consent Decree specifies steps Derive must take to prevent future violations, including a phase-out period for certain features on existing products. Derive will spend approximately \$6.25 million to implement injunctive relief. Derive will also pay a civil penalty of \$300,000, as the

company has limited financial ability to pay a higher penalty. The United States District Court for the District of Columbia entered the consent decree on April 16, 2019.

[ [HYPERLINK "https://www.epa.gov/sites/production/files/documents/edgeproducts-cd.pdf"](https://www.epa.gov/sites/production/files/documents/edgeproducts-cd.pdf) ]: In the U.S. District Court for the District of Utah, the Government alleged violations of Title II of the Clean Air Act against Edge for manufacturing and selling electronic tuning devices to subvert motor vehicle emission controls. The total number of devices manufactured was 13,286 and the total number sold was 9,465. The EPA's analyses concluded that Edge's sale of electronic tuning devices produced an excess of 158 tons of particulate matter emissions over the amount that would have occurred if the devices had not been sold. The civil penalty amount was \$500,000. (Contact David Kim, Region 9)

[ [HYPERLINK "https://www.epa.gov/enforcement/harley-davidson-clean-air-act-settlement"](https://www.epa.gov/enforcement/harley-davidson-clean-air-act-settlement) ]: Harley-Davidson violated the Clean Air Act by manufacturing and selling about 340,000 devices, known as tuners, that allow users to change how a motorcycle's engine functions. These changes can cause the motorcycles to emit higher amounts of certain air pollutants than they would in the original configuration that Harley-Davidson certified with EPA. Harley-Davidson also manufactured and sold more than 12,000 motorcycles that EPA alleges did not undergo proper EPA certification to ensure they meet federal clean air standards. Settlement requires the companies to stop selling and to buy back and destroy illegal tuning devices that increase air pollution from their motorcycles, and to sell only tuning devices that are certified to meet Clean Air Act emissions standards. Harley-Davidson will also pay a \$12 million civil penalty. *This consent decree was lodged on August 18, 2016, but as of October 2, 2019, has not been entered.* (Contact Jocelyn Adair, HQ)

[ [HYPERLINK "https://www.epa.gov/enforcement/performance-diesel-inc-clean-air-act-settlement-information-sheet"](https://www.epa.gov/enforcement/performance-diesel-inc-clean-air-act-settlement-information-sheet) ]: On September 12, 2019, the U.S. Department of Justice and the Environmental Protection Agency (EPA) announced a settlement with Performance Diesel Inc. (PDI) to resolve alleged violations of the Clean Air Act (CAA) associated with the manufacture, sale and installation of aftermarket products that defeat the emissions control systems of heavy-duty diesel engines. As part of the settlement, PDI has agreed to stop the sale of all products the government alleges violate the CAA. PDI will also pay a civil penalty of \$1,100,000 over two years due to their limited financial ability to pay a higher penalty.

## CAFOs and Administrative Resolutions

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2018-01/documents/abbylandtruckinginc18.pdf"](https://www.epa.gov/sites/production/files/2018-01/documents/abbylandtruckinginc18.pdf) ]: This CAFO was signed by a Regional Judicial Officer on December 21, 2017. The matter involved a service truck repair center and refrigeration transport company in Wisconsin that sold and installed defeat devices in the form of ECM tuning products manufactured by Performance Diesel Inc. that had the principal effect of bypassing, defeating, or rendering inoperative EGRs, DPFs, and other emission control devices on 202 heavy-duty diesel trucks between 2011 and 2014. The penalty amount was \$75,000 with injunctive relief in the form of a recall (or, if the recall is unsuccessful, environmental mitigation), and a compliance plan. (Contact: Andre Daugavietis, Region 5)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2018-04/documents/adrenalinetruckperformancellc18.pdf"](https://www.epa.gov/sites/production/files/2018-04/documents/adrenalinetruckperformancellc18.pdf) ]: This CAFO was ratified by the EAB on March 26, 2018. The matter involved a company in Idaho that manufactured, sold, or offered to sell at least 15,912 products designed for diesel pick-up trucks that fall into three categories: (1) electronic tuning products, (2) replacement pipes, and (3) delete kits. These violations occurred between 2013 and 2015. The penalty amount of \$94,529 was calculated based on ability to pay. Respondent must also comply with injunctive relief in the form of a compliance plan. (Contact: Edward Kulschinsky, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2018-09/documents/justinholderbattlefieldautomotiveccafo18.pdf"](https://www.epa.gov/sites/production/files/2018-09/documents/justinholderbattlefieldautomotiveccafo18.pdf) ]: This CAFO was ratified by the EAB on September 4, 2018. The EPA alleged that several Maryland-based entities (collectively "Battlefield Automotive") were jointly and severally liable for at least 255 violations of Section 203(a)(3)(B) of the CAA. Between June 2013 and May 2016, Battlefield Automotive sold or installed delete pipes and tuning products designed for use with Ford, GMC, and Cummins heavy-duty diesel trucks. The penalty amount of \$8,241 was calculated based on ability to pay. Additionally, Battlefield Automotive must comply with injunctive relief in the form of a compliance plan. (Contact: Mark Palermo, HQ).

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2019-02/documents/carsoundexhaustsystem.pdf"](https://www.epa.gov/sites/production/files/2019-02/documents/carsoundexhaustsystem.pdf) ]: This CAFO was signed by a Regional Judicial Officer on December 26, 2018. Between January 2015 and April 2017, MagnaFlow (based in California) manufactured and sold at least 5,674 aftermarket exhaust systems intended for model years 2001-2007 diesel trucks that enabled removal of diesel oxidation catalysts. MagnaFlow agreed to pay a penalty of \$612,849 over three monthly installments, plus interest, and adhere to a compliance plan. (Contact: Ryan Bickmore, Region 9)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2019-09/documents/elmrepairandrefrigerationcafo.pdf"](https://www.epa.gov/sites/production/files/2019-09/documents/elmrepairandrefrigerationcafo.pdf) ]: This CAFO was filed on September 18, 2019. This matter involved tampering with at least 47 elements of heavy-duty diesel engines in Wisconsin as well as the sale of at least 61 defeat devices. Respondent must pay a civil penalty of \$47,592, institute a recall of tampered vehicles, and comply with injunctive relief in the form of a compliance plan. Respondent must also spend at least \$142,776 on a wood stove supplemental environmental project. (Contact: Josh Zaharoff, Region 5)

[ [HYPERLINK "https://yosemite.epa.gov/oa/eab\\_web\\_docket.nsf/RecentAdditionsv2/3B6090BC2EE597CC8525828700534E99/\\$File/Final%20Order...2.pdf"](https://yosemite.epa.gov/oa/eab_web_docket.nsf/RecentAdditionsv2/3B6090BC2EE597CC8525828700534E99/$File/Final%20Order...2.pdf) ]: This CAFO was ratified by the EAB on May 8, 2018. The matter involved a Pennsylvania sales and installation facility. Between January 2014 and October 2016, Evans committed at least 108 violations of the CAA. Evans sold at least 98 performance tuning products and five replacement pipes, and installed five performance tuning products, designed for use with Honda, Mitsubishi, Subaru, Mazda, Chrysler, Dodge, Jeep, Ford, GM, Infiniti, Hyundai, and Toyota cars and trucks. The penalty amount of \$4,223 was calculated based on ability to pay. Respondent must also comply with injunctive relief in the form of a compliance plan. (Contact: Mark Palermo, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2018-01/documents/freerksentruckinginc18.pdf"](https://www.epa.gov/sites/production/files/2018-01/documents/freerksentruckinginc18.pdf) ]: This CAFO was signed by a Regional Judicial Officer on October 3, 2017. The matter involved a Minnesota trucking company that had removed emission controls and otherwise modified its trucking fleet. Between August 2015 and December 2016, Freerksen modified emission controls, including DPFs, EGRs, and/or the SCRs on 22 heavy-duty diesel trucks in its fleet, and installed defeat devices on each vehicle to modify the engine control module. The respondent paid a penalty of \$50,000. Injunctive relief required that Freerksen re-install emission controls and remove defeat devices on 21 of the affected vehicles (the outstanding vehicle was sold prior to the EPA's enforcement action). (Contact: Andre Daugavietis, Region 5)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2019-02/documents/flowmasterinccafo.pdf"](https://www.epa.gov/sites/production/files/2019-02/documents/flowmasterinccafo.pdf) ]: This CAFO was signed by a Regional Judicial Officer on February 25, 2019. Between May 1, 2015 to April 24, 2017, Flowmaster, Inc. (based in California) manufactured and sold 446 pipe kits, exhaust kits, and exhaust long tube headers that enabled removal of catalysts from mostly gasoline vehicles. Flowmaster agreed to pay a penalty of \$270,000. (Contact: Margaret Alkon, Region 9)

[ HYPERLINK "<https://www.epa.gov/sites/production/files/2019-09/documents/jamocafo.pdf>" ]: This CAFO was ratified by a Regional Judicial Officer on July 1, 2010. JAMO sold aftermarket exhaust system parts for diesel-powered trucks that enabled the removal of catalytic converters on vehicles. The Nevada company, headquartered in North Las Vegas, will pay a \$10,000 penalty. JAMO must also comply with injunctive relief in the form of a compliance plan. (Contact: David Kim, Region 9)

[ HYPERLINK "<https://www.epa.gov/sites/production/files/2019-10/documents/hartldieselllccafo.pdf>" ]: This CAFO was filed on September 18, 2019. Respondent installed PDI tuning products on at least 72 heavy-duty diesel engines. The penalty amount of \$3,600 was calculated based on ability to pay. Respondent must also comply with injunctive relief in the form of a compliance plan. Respondent must notify customers about EPA's enforcement action and conduct a training for Wisconsin State Patrol vehicle inspectors at Respondent's facilities in Wisconsin. (Contact: Region 5)

[ HYPERLINK "<https://www.epa.gov/enforcement/2016-clean-air-act-vehicle-and-engine-enforcement-case-resolutions>" \t " blank" ]: This CAFO was ratified by the EAB on December 17, 2015. The EPA alleged that H&S sold more than 114,000 products used to reprogram engines and enabled the removal of treatment systems like filters and catalysts. The EPA estimated that H&S Performance caused the emission of an estimated 70,000 tons of NOx and 380 tons of particulate matter above EPA standards. The penalty amount of \$1,000,000 was calculated based on inability to pay. (Contact: Kathryn Caballero, HQ)

[ HYPERLINK "<https://www.epa.gov/sites/production/files/2018-07/documents/ktperformanceinc-cafo.pdf>" ]: This CAFO was ratified by the EAB on July 3, 2018. The matter involved a Florida defeat device retailer which, between January 2013 and April 2018 sold approximately 2,833 products for diesel-powered trucks in violation of section 203 of the CAA. The company was assessed a reduced civil penalty \$52,284 that was calculated based on a demonstrated ability to pay. KT Performance must also comply with injunctive relief in the form of a compliance plan. (Contact: Edward Kulschinsky, HQ).

[ HYPERLINK "<https://www.epa.gov/sites/production/files/2018-05/documents/marylandperformancediesellc.pdf>" ]: This CAFO was ratified by the EAB on May 17, 2018. The matter involved a diesel truck service and performance upgrade sales and installation facility which, between January 2014 and September 2016, sold 329 performance tuning products, 92 aftertreatment replacement pipes, and 3,276 exhaust gas recirculation delete kits. The penalty amount of \$45,000 was calculated based on ability to pay. Respondent must also comply with injunctive relief in the form of a compliance plan. (Contact: Mark Palermo, HQ)

[ HYPERLINK "<https://www.epa.gov/sites/production/files/2019-10/documents/morepowertuningllccafo.pdf>" ]: This CAFO was ratified by the EAB on September 24, 2019. Between January 1, 2014, and August 15, 2015, Respondent offered for sale and sold 5,269 defeat devices for 1996 to 2015 model year Ford and GM light-duty gasoline motor vehicles. The penalty amount of \$100,025 was calculated based on ability to pay. Respondent must also comply with injunctive relief in the form of a compliance plan. (Contact: Jocelyn Adair, HQ)

[ HYPERLINK "<https://www.epa.gov/sites/production/files/2019-04/documents/advancemanufacturinggroupusainc19.pdf>" ]: The CAFO was signed by a Regional Hearing Clerk on April 10, 2019. Advance Manufacturing Group (d/b/a OBX Racing Sports) manufactured and/or sold 1,551 vehicle exhaust pipes designed to bypass, defeat, or render inoperative emission control devices on motor vehicles in violation of Section 203(a)(3)(B) of the CAA. Respondent must pay a civil penalty of \$25,000. (Contact: David Kim, Region 9)

[ HYPERLINK "<https://www.epa.gov/sites/production/files/2019-10/documents/pspdiesellc.pdf>" ]: This CAFO was filed on September 30, 2019. PSP is a repair shop in Texas that removed emission control components from heavy-duty diesel vehicles and installed defeat devices such as straight pipes and tuning

products. The EPA alleges at least 380 tampering and defeat device violations. The penalty amount of \$30,736 was calculated based on ability to pay. Respondent must also comply with injunctive relief in the form of a compliance plan. Respondent must also post a public statement on its website and social media pages announcing the settlement with the EPA. (Contact: Andre Daugavietis, Region 5)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2018-12/documents/redknighttransportationllc.pdf"](https://www.epa.gov/sites/production/files/2018-12/documents/redknighttransportationllc.pdf) ]: This CAFO was signed by a Regional Judicial Officer on September 28, 2018. Respondent removed the DPFs from 57 heavy-duty diesel engine trucks and removed the EGRs from 16 of those trucks. Respondent installed emission control defeat devices in the form of ECM tuning products manufactured by Performance Diesel Inc. that have a principal effect of bypassing, defeating, or rendering inoperative HDDE emission control devices or elements of design. Considering the steps Respondent took to come into compliance (costing approximately \$5 million), the penalty amount was set at \$140,000. Respondents must also complete a \$140,000 wood stove supplemental environmental project. (Contact: Andre Daugavietis, Region 5)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2019-04/documents/royalcrownbottlingcorp19.pdf"](https://www.epa.gov/sites/production/files/2019-04/documents/royalcrownbottlingcorp19.pdf) ]: This CAFO was signed by a Regional Judicial Officer on April 4, 2019. Between June 2014 and September 2017, respondent modified emission controls, including DPFs and/or EGRs on five heavy-duty diesel trucks in its fleet, and installed defeat devices on each vehicle to modify the engine control module. Respondent returned all five trucks to their certified stock configuration and affirmed that respondent will refrain from tampering with emission control systems on EPA-certified motor vehicles and engines in accordance with a compliance plan attached to the CAFO as Appendix A. Respondent must pay a penalty of \$13,953. (Contact: Andre Daugavietis, Region 5)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2019-05/documents/sparhawktruckandtrailerinc-cafo.pdf"](https://www.epa.gov/sites/production/files/2019-05/documents/sparhawktruckandtrailerinc-cafo.pdf) ]: This CAFO was signed by a Regional Judicial Officer on April 29, 2019. The EPA alleged that Sparhawk violated Section 203(a)(3)(A) by removing or rendering inoperative engine control modules on 19 trucks with heavy-duty diesel engines (HDDE). In certain instances, respondent drilled holes into the engine blocks and crankshafts. Prior to entering into the settlement agreement, respondent claims to have spent more than \$1 million returning certain trucks to factory settings. The CAFO gives respondent eighty days to either scrap or return the remaining trucks in its fleet to factory settings. In addition, respondent must ensure that trucks owned by third party contractors are returned to factory settings. Respondent must pay a civil penalty of \$91,000 and comply with injunctive relief in the form of a compliance plan. (Contact: Patrick Miller, Region 5)

[ [HYPERLINK "https://yosemite.epa.gov/oarm/ALJ/ALJ\\_Web\\_Docket.nsf/Dockets/CAA-HQ-2017-8362"](https://yosemite.epa.gov/oarm/ALJ/ALJ_Web_Docket.nsf/Dockets/CAA-HQ-2017-8362) ]: This default order is an initial decision from the Office of the Administrative Law Judge granting VEEB's proposed penalty of \$4.1 million against Spartan Diesel for the sale of 5,000 defeat devices for diesel trucks. VEEB filed the complaint in the fall of 2017, moved for default in February of 2018 on the basis that the respondent had filed no answer, and then provided additional information upon OALJ request regarding penalty in September of 2018.

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2018-04/documents/twobrothersracinginc18.pdf"](https://www.epa.gov/sites/production/files/2018-04/documents/twobrothersracinginc18.pdf) ]: This CAFO was signed by a Regional Judicial Officer on March 26, 2018. Between January 2013 and February 2015, this California-based recreational vehicle parts company manufactured and sold 13,597 exhaust systems for highway motorcycles. These exhaust systems required removal of the motorcycles' catalytic converters and were intended to bypass, defeat, or render inoperative emission related devices or elements of design that are installed on those motorcycles to meet CAA emission standards. The violative parts were designed for use with Honda, Harley Davidson, Ducati, BMW, Can Am, Kawasaki, Suzuki, Yamaha, and Hyosung motorcycles. The penalty amount of \$90,000 was calculated based on ability to pay. (Contact: David Kim, Region 9)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2019-09/documents/valleyperformancedistributorsllc19.pdf"](https://www.epa.gov/sites/production/files/2019-09/documents/valleyperformancedistributorsllc19.pdf) ]: This CAFO was ratified by the EAB on June 24, 2019. The EPA alleged that, between 2014 and 2016, Valley Performance Distributors ("VPD") manufactured and sold at least 430 aftermarket defeat products, including 41 EGR delete parts and 389 tuning products meant to bypass, defeat, or render inoperative DPF, EGR, and/or SCR systems, and/or ECM fuel injection timing maps. Respondent must pay a civil penalty of \$17,630. Respondent must also comply with injunctive relief in the form of a compliance plan. (Contact: Mark Palermo, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2018-10/documents/vividdistributingllc.pdf"](https://www.epa.gov/sites/production/files/2018-10/documents/vividdistributingllc.pdf) ]: This CAFO was signed by a Regional Judicial Officer on September 18, 2018. Between January 2014 and December 2016, Respondent manufactured and/or sold 443 defeat devices, including straight pipes, designed for Mercedes, BMW, Nissan, and other vehicles makes. EPA inspectors also observed tampering during an inspection of Respondent's facility. Respondent must pay a civil penalty amount of \$200,000. (Contact: David Kim, Region 9)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2019-10/documents/vmptuninginccafo.pdf"](https://www.epa.gov/sites/production/files/2019-10/documents/vmptuninginccafo.pdf) ]: This CAFO was ratified by the EAB on September 24, 2019. Between January 1, 2014, and November 2, 2015, Respondent offered for sale and sold 1,542 defeat devices for 1996 to 2015 model year Ford light-duty gasoline motor vehicles. The penalty amount of \$60,000 was calculated based on ability to pay. Respondent must also comply with injunctive relief in the form of a compliance plan. (Contact: Jocelyn Adair, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2018-01/documents/abbylandtruckinginc18.pdf"](https://www.epa.gov/sites/production/files/2018-01/documents/abbylandtruckinginc18.pdf) ]: This CAFO was signed by a Regional Judicial Officer on December 7, 2013. Between January 2008 and December 2010, this California-based motorcycle and recreational vehicle parts company manufactured and/or sold 46,502 violative parts. These exhaust systems were intended to bypass, defeat, or render inoperative the highway motorcycles' emission related devices or elements of design, and required removal of an ECV or catalytic converters from the motorcycles for which they were designed. The penalty amount of \$225,000 was calculated based on ability to pay. (Contact: David Kim, Region 9)

## Expedited Settlement Agreements (ESAs)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2019-05/documents/30psilcddbamoddedeuros.pdf"](https://www.epa.gov/sites/production/files/2019-05/documents/30psilcddbamoddedeuros.pdf) ]: On April 25, 2019, VEEB resolved this ESA with respondent (30PSI) for 129 violations of Section 203(a)(3) of the Clean Air Act. Respondent sold vehicle exhaust replacement piping products which rendered inoperative the emissions controls of various makes/models, including Audis, Jettas, and BMWs. The penalty amount was \$59,585, and the ESA requires that respondent cease and refrain from installing, purchasing, and selling any device that interferes, defeats, or otherwise renders inoperative an emission component of any engine regulated by the EPA. (Contact: Kim Laufenberg, Region 3, and Andy Zellinger, Region 9)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2016-06/documents/esaantrimdieselservicesinc16.pdf"](https://www.epa.gov/sites/production/files/2016-06/documents/esaantrimdieselservicesinc16.pdf) ]: On May 12, 2016, VEEB resolved this ESA with a Pennsylvania facility that committed five violations of the CAA with regard to a single heavy-duty diesel vehicle. These violations include removing EGR systems, rendering inoperative on-board diagnostics and catalysts systems, and selling and/or installing defeat devices. The penalty amount was \$6,250, and the ESA requires that Antrim cease and refrain from installing, purchasing, and selling any device that interferes, defeats, or otherwise renders inoperative an emission component of any engine regulated by the EPA. (Contact: Lauren Tozzi, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2019-09/documents/apexintegrationinc.pdf"](https://www.epa.gov/sites/production/files/2019-09/documents/apexintegrationinc.pdf) ]: On August 19, 2019, Region 9 resolved this ESA with a company that manufactured and sold 44 aftermarket exhaust systems for gasoline-powered vehicles that bypassed catalytic converters. The company, headquartered in Orange, Calif., will pay a \$5,000 penalty. (Contact: Brian Riedel, Region 9)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2017-09/documents/boostdieselrepair17.pdf"](https://www.epa.gov/sites/production/files/2017-09/documents/boostdieselrepair17.pdf) ]: On August 22, 2017, VEEB resolved this ESA with a Texas facility after EPA inspectors obtained evidence that Boost had sold and installed products which render inoperative emission control systems on diesel pick-up trucks. Between August 2014 and September 2016, Boost had unlawfully altered 15 vehicles and committed 30 violations, including selling and installing defeat devices; rendering inoperative on-board diagnostics; and removing EGR systems, diesel oxidation catalysts, DPFs, and SCR systems. The ESA imposed a penalty of \$100 and required Boost to cease and refrain from installing, purchasing, and selling any device that interferes, defeats, or otherwise renders inoperative an emission component of any engine regulated by the EPA. Boost must also cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and motor vehicle engines. (Contact: Caitlin Meisenbach, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2019-09/documents/dieselinnovationsinc.pdf"](https://www.epa.gov/sites/production/files/2019-09/documents/dieselinnovationsinc.pdf) ]: On May 14, 2019, VEEB resolved this ESA with Diesel Innovations. Between 2015 and 2018, Diesel Innovations violated Section 203(a)(3)(B) by selling 39 defeat devices. The respondent sold parts that delete or bypass EGR emission control systems, and exhaust piping that deletes or bypasses DOC and DPF systems. The penalty amount was \$1,600, and the ESA requires that respondent cease and refrain from installing, purchasing, and selling any device that interferes, defeats, or otherwise renders inoperative an emission component of any engine regulated by the EPA. (Contact: Ethan Chatfield, Region 5)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2016-06/documents/esaeisenhardtdiesellc16\\_1.pdf"](https://www.epa.gov/sites/production/files/2016-06/documents/esaeisenhardtdiesellc16_1.pdf) ]: On May 19, 2016, VEEB resolved this ESA with a Pennsylvania facility that committed three CAA violations in relation to a single heavy-duty diesel vehicle. These violations include the sale and installation of products allowing the removal of emission controls and the EGR system. The penalty amount was \$3,150, and the ESA requires that Eisenhart cease and refrain from installing, purchasing, and selling any device that interferes, defeats, or otherwise renders inoperative an emission component of any engine regulated by the EPA. (Contact: Lauren Tozzi, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2016-06/documents/esaliberatorperformanceinc16.pdf"](https://www.epa.gov/sites/production/files/2016-06/documents/esaliberatorperformanceinc16.pdf) ]: On May 3, 2016, VEEB resolved this ESA with a Pennsylvania facility after EPA inspectors found that Liberator possessed one vehicle that had been tampered by the company. The EPA identified three violations on the vehicle, including removal of the exhaust gas recirculation system and rendering inoperative the on-board diagnostics and catalyst systems. The penalty amount was \$3,150, and Liberator must cease and refrain from installing, purchasing, and selling any device that interferes, defeats, or otherwise renders inoperative the emission control system of any engine regulated by the EPA. Additionally, if the vehicle were under the facility's control, the facility must return it to its original, certified configuration. (Contact: Lauren Tozzi, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2018-08/documents/modbargainscominc18.pdf"](https://www.epa.gov/sites/production/files/2018-08/documents/modbargainscominc18.pdf) ]: On January 18, 2018, Region 9 resolved this ESA against a California-based seller of emission control defeat devices. Between October 2015 and August 2016, ModBargains sold 16 defeat devices designed to render inoperative emission control systems on gasoline-powered BMW, Infiniti, Audi, and Nissan automobiles. ModBargains paid a penalty of \$7,000, and agreed to cease and refrain from purchasing, selling, and/or installing any device that defeats, bypasses, or otherwise renders inoperative an emission component of any engine regulated by the EPA. Also,

ModBargains must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and motor vehicle engines. (Contact: David Kim, Region 9)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2018-12/documents/northamericanindustrialservicesinc.pdf"](https://www.epa.gov/sites/production/files/2018-12/documents/northamericanindustrialservicesinc.pdf) ]: On November 15, 2008, Region 3 resolved this ESA against a company that installed a DPF delete kit, EGR intake block-off plates, and an ECM tuner on a 2012 T800 Kenworth diesel truck. The penalty amount was \$7,300. The ESA confirms that the respondent has returned the truck to its certified configuration, and will refrain from tampering with emission control systems on EPA-certified motor vehicles and engines in accordance with a compliance plan that respondent received.

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2016-06/documents/esapattersonsdieselincl6.pdf"](https://www.epa.gov/sites/production/files/2016-06/documents/esapattersonsdieselincl6.pdf) ]: On May 23, 2016, VEEB resolved this ESA with a Pennsylvania facility that committed to two acts of tampering on a heavy-duty diesel vehicle. The violations included rendering inoperative on-board diagnostics and catalyst systems. The penalty amount was \$2,100. The ESA also requires the company to cease and refrain from installing, purchasing, and selling, any device that interferes, defeats, or otherwise renders inoperative the emission control system of any engine regulated by the EPA. Additionally, if the vehicle is still under Patterson's control, Patterson's must return the engine to its original, certified configuration. (Contact: Lauren Tozzi, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2016-06/documents/esaprecisionautomotivediesel16.pdf"](https://www.epa.gov/sites/production/files/2016-06/documents/esaprecisionautomotivediesel16.pdf) ]: On June 2, 2016, VEEB resolved this ESA with a New Jersey facility that committed one act of tampering on a heavy-duty diesel vehicle. Precision re-installed EGR system delete plates without returning them to certified configuration. The ESA requires Precision to pay a penalty of \$1,053, and to cease and refrain from installing, purchasing, and selling, any device that interferes, defeats, or otherwise renders inoperative the emission control system of any engine regulated by the EPA. (Contact: Lauren Tozzi, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2017-09/documents/ryandieselservice17.pdf"](https://www.epa.gov/sites/production/files/2017-09/documents/ryandieselservice17.pdf) ]: On August 14, 2017, VEEB resolved this ESA with a Wisconsin company for 23 violations of the CAA. From December 2014 until January 2016, Ryan's Diesel sold and installed defeat devices that rendered inoperative emission control systems on 20 vehicles. The ESA requires the company to pay a penalty of \$19,950, and to cease and refrain from purchasing, selling, and installing, any device that has a principal effect of defeating, bypassing, or otherwise rendering inoperative an emission component of any engine regulated by the EPA. Also, Ryan's must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and motor vehicle engines. (Contact: Ed Kulschinsky, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2017-09/documents/edgewaterfourwheeldriveinc17.pdf"](https://www.epa.gov/sites/production/files/2017-09/documents/edgewaterfourwheeldriveinc17.pdf) ]: On September 21, 2017, VEEB resolved this ESA with a Maryland parts dealer for selling 15 defeat devices between February 2015 and June 2016. Violative products included: (1) engine control module reprogrammers (also known as "tuners") that disable emission control systems on EPA-certified motor vehicles, such as EGR systems, vehicle engine active fuel management, on-board diagnostic systems, and rear oxygen sensors; and (2) exhaust pipe replacement components that delete or bypass aftertreatment emission control devices such as diesel oxidation catalyst systems. The ESA requires Trick Trucks (Edgewater) to pay \$14,247 and includes a compliance plan. (Contact: Mark Palermo, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2017-09/documents/fredericktrucksandautoaccessoriesinc17.pdf"](https://www.epa.gov/sites/production/files/2017-09/documents/fredericktrucksandautoaccessoriesinc17.pdf) ]: On September 21, 2017, VEEB resolved this ESA with a Maryland parts dealer for selling products that render inoperative emission control systems on EPA-certified motor vehicles and motor vehicle engines. Between January 2015 and July 2016,



the company sold 47 defeat devices and delete pipes manufactured by companies such as H&S, SCT, Sinister, and MBRP. The ESA requires Trick Trucks (Frederick) to pay \$46,441 and includes a compliance plan. (Contact: Mark Palermo, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2017-09/documents/tricktruckseleveninc17.pdf"](https://www.epa.gov/sites/production/files/2017-09/documents/tricktruckseleveninc17.pdf) ]: On September 21, 2017, VEEB resolved this ESA with a West Virginia parts dealer that sold 9 defeat devices between February 2015 and December 2016. The ESA requires Trick Trucks (Martinsburg) to pay \$8,898 and includes a compliance plan. (Contact: Mark Palermo, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2017-09/documents/tricktrucksmillsboro17.pdf"](https://www.epa.gov/sites/production/files/2017-09/documents/tricktrucksmillsboro17.pdf) ]: On September 21, 2017, VEEB resolved this ESA with a Delaware parts dealer for selling 7 defeat devices between July 2015 and August 2016. The ESA requires Trick Trucks (Millsboro) to pay \$6,822 and includes a compliance plan. (Contact: Mark Palermo, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2017-09/documents/tricktrucksseveninc17.pdf"](https://www.epa.gov/sites/production/files/2017-09/documents/tricktrucksseveninc17.pdf) ]: On September 21, 2017, VEEB resolved this ESA with a Virginia parts dealer for selling 32 defeat devices. The ESA requires Trick Trucks (Winchester) to pay \$30,295 and includes a compliance plan. (Contact: Mark Palermo, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2017-09/documents/tricktrucksteninc17.pdf"](https://www.epa.gov/sites/production/files/2017-09/documents/tricktrucksteninc17.pdf) ]: On September 21, 2017, VEEB resolved this ESA with a parts dealer in Virginia for selling products that render inoperative emission control systems on EPA-certified motor vehicles and motor vehicle engines. Between January and November 2015, the EPA determined that the company sold three defeat devices that remove or bypass diesel oxidation catalyst emission control systems in heavy-duty trucks. The ESA requires Trick Trucks (Chantilly) to pay \$2,758 and includes a compliance plan. (Contact: Mark Palermo, HQ)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2018-08/documents/tsisieselandperformance.pdf"](https://www.epa.gov/sites/production/files/2018-08/documents/tsisieselandperformance.pdf) ]: On April 18, 2018, VEEB resolved this ESA against a company in Tennessee that installed defeat devices on and removed stock emission control components from Ford and Dodge diesel pick-up trucks on at least 6 separate occasions between April 2017 and April 2018. The ESA requires TSI to pay a penalty of \$5,700, and to follow a compliance plan. (Contact: Elfego Felix, Region 9)

[ [HYPERLINK "https://www.epa.gov/sites/production/files/2019-09/documents/weistecengineeringinc19.pdf"](https://www.epa.gov/sites/production/files/2019-09/documents/weistecengineeringinc19.pdf) ]: On February 1, 2019, Region 9 ratified an ESA with a California-based manufacturer and seller of defeat devices. Between January 2014 and January 2017, Weistec manufactured or sold 110 aftermarket exhaust components for light-duty gasoline vehicles that enabled the removal of catalytic converters and sold thirteen custom tunes which allowed for the removal of catalytic converters by disabling certain emission-related trouble codes, thereby interfering with the vehicles' onboard diagnostic systems. Weistec paid a penalty of \$8,500, which was reduced due to inability to pay, and agreed to stop manufacturing or selling defeat devices. (Contact: Ryan Bickmore, Region 9)